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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980				
EXAMINER				
ZENATI, AMAL S				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
06/23/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com  
glenda.orrantia@bakerbotts.com

## Office Action Summary

**Application No.**

10/775,260

**Applicant(s)**

LAMM ET AL.

**Examiner**

AMAL ZENATI

**Art Unit**

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3 and 37 - 57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 and 37 - 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/22)  
Paper No(s)/Mail Date 06/14/2010
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

DETAILED ACTION

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Consider Claims **3, and 37 - 40, and 42-57**, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bereiter et al (US Patent No.: 6,357,017 B1; hereinafter Bereiter)** in view of **Gilles et al (US 6249578 B1; hereinafter Gilles)**.

Consider **claim 3, Bereiter** clearly shows and discloses a method of providing self-supporting service consumers, comprising: detecting, with a service consumer, a fault that has occurred in the service consumer; automatically consulting, using the service consumer, a service policy comprising one or more service policy rules (service policy/ business rules/business policy) associated with the service consumer to request a service that occurred in the service consumer (col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); automatically determining, based on service policy, one or more actions to be taken to respond to the request for service, the one or more actions related to servicing the service consumer (*the original specification, page 4, lines 22-28, states "determine what course of action to take under the current circumstances" as an example of automatically consulting a*

*service policy comprising one or more service policy rules; Bereiter teaches providing fully automated technical support in a computer environment, a program instruction means operative at the server node during the iterative problem solving session for evaluating the one or more respective data sets and in response thereto generation information such as instructions for writing and running a new diagnostic map for using in correcting the given technical problem see col. 3, lines 26-40) (col. 3, lines 29-40; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); automatically initiating the one or more actions associated with the service policy and the requested service (col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); automatically invoking one or more service provider tools to perform the one or more actions in response to the request for service based on the service policy and the requested service (col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); and communicating one or more service events that occurred as a result of the automatically initiating one or more actions and the automatically invoking one or more service provider tools wherein the communicating includes logging the one or more service events (col. 4, lines 50-60; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); Bereiter teaches diagnostics, service procedures, and dictate the appropriate course of action as examples for service policy rules however, Bereiter does not specifically disclose more examples about service policy rules such as authorization; therefore, for further support more examples about service policy rules, Examiner uses Gilles.*

In the same field of endeavor, Gilles clearly discloses the method, the method, wherein the service policy provides authorizing service to any incoming requested service (Gilles: abstract, col. 14, lines 18-50; lines 6-14; and col. 14, lines 2-28, lines 34-35, and lines 40-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide authorizing service to any incoming requested service as taught by Gilles in Bereiter, in order to give an authorization for service to any incoming requested service.

Consider **claim 37, Bereiter** clearly shows and discloses a method and a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps of providing self- supporting service consumers, comprising: detecting, with a service consumer (such as caller, customer, or person), a need for service (customer's computer); allowing a service consumer to automatically consult a service policy comprising one or more service policy rules associated with the service consumer to request service (col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); automatically determining from the service policy, one or more actions to be taken to respond to the request for service, the one or more actions related to servicing the service consumer (col. 3, lines 29-40); automatically initiating the one or more actions; and automatically invoking one or more service provider tools to perform the one or more actions in response to the request for service (col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); **Bereiter** teaches diagnostics, service procedures, and dictate the appropriate course of action as examples for service policy rules; however, **Bereiter** does not specifically disclose more examples about service policy rules such as authorization; therefore, for further support more examples about service policy rules, Examiner uses **Gilles**.

In the same field of endeavor, **Gilles** clearly discloses the method, the method, wherein the service policy provides authorizing service to any incoming requested service (Gilles: abstract, col. 14, lines 18-50; lines 6-14; and col. 14, lines 2-28, lines 34-35, and lines 40-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide authorizing service to any incoming requested service as taught by Gilles in Bereiter, in order to give an authorization for service to any incoming requested service.

Consider **claim 44, Gilles** clearly shows and discloses a self-supporting service consumer system, comprising: a memory configured to house a service policy comprising one or more service policy rules associated with a service consumer; a processor configured to: detecting, with a service consumer (such as caller, customer, or person), a need for service (customer's computer); enable the service consumer to automatically consult the service policy to request service (col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); automatically determine from the service policy, one or more actions to be taken to respond to a request for service from the service consumer, the one or more actions related to servicing the service consumer (col. 3, lines 29-40; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); automatically initiate the one or more actions; and automatically invoke one or more service provider tools to perform the one or more actions in response to the request for service (col. 4, lines 50-60; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); **Bereiter** teaches diagnostics, service procedures, and dictate the appropriate course of action as examples for service policy rules; however, **Bereiter** does not specifically disclose more examples about service policy rules such as authorization; therefore, for further support more examples about service policy rules, Examiner uses **Gilles**.

In the same field of endeavor, **Gilles** clearly discloses the method, the method, wherein the service policy provides authorizing service to any incoming requested service (Gilles: abstract, col. 14, lines 18-50; lines 6-14; and col. 14, lines 2-28, lines 34-35, and lines 40-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide authorizing service to any incoming requested service as taught by Gilles in Bereiter, in order to give an authorization for service to any incoming requested service.

Consider **claim 50, Bereiter** clearly shows and discloses a method and a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform

method steps of providing self- supporting service consumers, comprising: automatically consulting, using the a service consumer, a service policy comprising one or more service policy rules associated with the service consumer to request service (*the original specification, page 4, lines 22-28, states "determine what course of action to take under the current circumstances" as an example of automatically consulting a service policy comprising one or more service policy rules; Bereiter teaches providing fully automated technical support in a computer environment, a program instruction means operative at the server node during the iterative problem solving session for evaluating the one or more respective data sets and in response thereto generation information such as instructions for writing and running a new diagnostic map for using in correcting the given technical problem see col. 3, lines 26-40*) (col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); automatically determining from the service policy, one or more actions to be taken to respond to the request for service, the one or more actions related to servicing the service consumer (col. 3, lines 29-40 ); automatically initiating the one or more actions; and automatically invoking one or more service provider tools to perform the one or more actions in response to the request for service (col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9), wherein allowing a service consumer to automatically consult a service policy comprises: receiving the request for service from the service consumer independent of a user-initiated request; and comparing the request for service with the service policy (col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9); **Bereiter** teaches diagnostics, service procedures, and dictate the appropriate course of action as examples for service policy rules; however, **Bereiter** does not specifically disclose more examples about service policy rules such as authorization; therefore, for further support more examples about service policy rules, Examiner uses **Gilles**.

In the same field of endeavor, **Gilles** clearly discloses the method, the method, wherein the service policy provides authorizing service to any incoming requested service (Gilles: abstract, col. 14, lines 18-50; lines 6-14; and col. 14, lines 2-28, lines 34-35, and lines 40-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide authorizing service to any incoming requested service as taught by Gilles in Bereiter, in order to give an authorization for service to any incoming requested service.

Consider **claims 38, Bereiter and Gilles** further teach that the method, further including: communicating one or more service events that occurred as a result of the automatically initiating one or more actions and the automatically invoking one or more service provider tools (Gilles: abstract; and col. 3).

Consider **claim 39, Bereiter and Gilles** further teach the method, wherein the service policy rules are specific to the service consumer (Gilles: col. 7, lines 53-60).

Consider **claim 40, Bereiter and Gilles** further teach the method, wherein the software applications include over-the-counter applications, custom applications, or combinations thereof (Gilles: col. 5, line 9-15).

Consider **claims 41 and 47, Bereiter and Gilles** further teach the method and the system, wherein the requested service is a request to provide a solution to fault (error, exception, and mishandled) that occurred in the service consumer (Gilles: col. 5, line 55-58; and col. 6, line 5-7; Bereiter: col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1).

Consider **claims 42 and 48, Bereiter and Gilles** further teach the method and the system, wherein the one or more service provider tools include knowledgebase, trouble ticketing tool, escalation tool, workflow tool, software delivery tool, or combinations thereof (Gilles: col. 5, line 6-15).

Consider **claim 43, Bereiter and Gilles** further teach allowing the service policy to be modified based on the automatic initiating and the automatic invoking steps (Gilles: col. 8, lines 32-40 and 64-67; Bereiter: col. 4, lines 50-60).



Consider **claim 45, Bereiter and Gilles** further teach that the system, The system of claim 44, further including: an interface operable to communicate through a web service with the service consumer over the world wide web via a web-enabled application programming interface residing in the service consumer (Gilles: col. 6, lines 41-50; and col. 7, lines 3-12; Bereiter: col. 4, lines 50-60).

Consider **claim 46, Bereiter and Gilles**, further teach the system, wherein the service consumer includes one of a hardware device, a software application, or a combination thereof (Gilles: col. 3, lines 35-39).

Consider **claim 49, Bereiter and Gilles**, further teach the system wherein the one or more actions comprise servicing the service consumer in response to the service consumer's request for service, and further including: an analysis tool operable to receive events occurring as a result of servicing the service consumer, the analysis tool further operable to modify the service policy based on received events (Gilles: col. 7, lines 26-52; and col. 8, lines 32-42; Bereiter: col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9).

Consider **claim 51, Bereiter and Gilles** show the program device, wherein: the service consumer is a processor-controlled device that requires servicing (Gilles: col. 14, lines 20-34; Bereiter: col. 3, lines 15-40).

Consider **claim 52, Bereiter and Gilles** show the program device, wherein: the policy includes instructions for servicing the service consumer; and the one or more actions comprise servicing the service consumer in accordance with the instructions; and servicing the service consumer comprises repairing a fault in the service consumer (Bereiter: col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9).

Consider **claim 54, Bereiter and Gilles** show the program device, further comprising determining from the policy whether the service consumer is covered by a warranty covering (features) the request for service (Gilles: fig. 2, labels: 124, 126, and 128).

Consider **claim 55, Bereiter and Gilles** show the program device, further comprising modifying the one or more service policy rules in response to one or more service events that occurred as a result of the one or more actions (Gilles: col. 7, lines 27-45).

Consider **claim 53, Bereiter and Gilles** show the program device, wherein: the service consumer is a processor-controlled device that requires servicing; the steps of allowing, automatically determining, automatically initiating, and automatically invoking occur at a service provider; servicing the service consumer comprises repairing a fault in the service consumer; and further comprising; when it is determined that the service consumer; and further comprising when it is determined that the service consumer needs servicing, automatically linking the service consumer to the service provider to enable the service provider to service the service consumer (Bereiter: col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9).

Consider **claim 56, Bereiter and Gilles** show the program device, wherein the service consumer and the service provider are separate entities (Gilles: fig. 1, labels: 54, 22, and 74).

Consider **claim 57, Bereiter and Gilles** show the program device, wherein the one or more actions provide the solution to the fault (Bereiter: abstract).

### ***Response to Arguments***

3. The present Office Action is in response to Applicant's amendment filed on April 05, 2010. Applicant has amended claims **3, 37, 44, and 44**; claims **3, and 37 - 57** are now pending in the present application.

4. Applicant's arguments with respect to amended claims 50 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant argues regarding claim 3, on pages 9-14 of the Applicant's Response that Gilles and Bereiter fail to teach "automatically consulting, using the service consumer, a service policy comprising one or more service policy rules associated with the service consumer to request a solution for the detected fault that occurred in the service consumer."

The Examiner respectfully disagrees with Applicants' argument, the original specification states "Service consumers 114 may include any entity that may require a service. That entity may be an application, hardware device, the network, or an actual person." **Bereiter** teaches providing fully automated technical support in a computer environment, a program instruction means operative at the server node during the iterative problem solving session for evaluating the one or more respective data sets and in response thereto generation information such as instructions for writing and running a new diagnostic map for using in correcting the given technical problem see (col. 3, lines 26-40; col. 1, lines 65-67; and col. 2, lines 1-50; col. 4, lines 10-25; col. 5, 1-27; and claims 1 and 9). Compare the above with the original specification, page 4, lines 22-28, the original specification states "determine what course of action to take under the current circumstances" as an example of automatically consulting a service policy comprising one or more service policy rules. Moreover, Gilles teaches a method for exchanging telecommunication service information between a telecommunication service provider and a telecommunication service customer, the method comprising: electronically/automatically receiving a request to establish an interactive session with a telecommunication customer (col. 6, lines 3-7; col. 12, lines 23-35; col. 14, lines 18-50; and col. 15, lines 12-35). Moreover, Gilles clearly discloses a "service policy" or business rules/business policy such as determining whether the telecommunications customer

is authorized for electronically exchanging information and determining whether the requested telecommunications service is available (*the original specification, in page 4 lines 14-22, gives examples about service policy such as: is there knowledge available that help to provide a service/ telecommunications service is available, and does it pay to provide the service/ the telecommunications customer is authorized*) (Gilles: abstract, col. 14, lines 18-50; lines 6-14; and col. 14, lines 2-28, lines 34-35, and lines 40-50; col. 2, lines 53-55; and col. 5, lines 59-67; and col. 6, lines 1-25). As a result, Bereiter clearly teaches all the limitation of claims 3 and 50, and Gilles are used for further supporting.

Therefore, in view of the above reasons, Examiner maintains rejections.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is 571-270-1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571- 272- 7499. The fax phone number for the organization where this application or proceeding is assigned is 571- 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CURTIS KUNTZ/  
Supervisory Patent Examiner, Art Unit 2614

/Amal Zenati/  
Patent Examiner, Art Unit 2614

June 17, 2010